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BOGOTA FOR JUDATT JMCMLLEN, TBLACK  
JUSTICE FOR CRM/DAAG - MLWARREN

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SUBJECT: NEW COLOMBIAN CRIMINAL PROCEDURE CODE

1. (U) Summary. On January 1 the new Colombian Criminal Procedure Code was introduced in 7 judicial districts: Bucaramanga, Buga, Cali, Medellin, San Gil, Santa Rosa and Tunja. These districts are added to the four which introduced the new Code in 2005: Armenia, Bogota, Manizales and Pereira. This is part of the gradual implementation of the Code, a dramatic and historical reform of the Colombian criminal justice system throughout the country, which will be completed in 2008. The Code introduces an accusatory system, i.e., it moves Colombia away from its traditional written, inquisitory system which was inefficient because cases took years to resolve. The Code's implementation has already made a difference, with criminal cases now taking weeks or months to resolve, as opposed to 3-5 years. Over 60% of cases with an arrest are now resolved with plea agreements or convictions. While too early to be definitive, the successful implementation of the new system in 2005 appears to be repeating itself in the 7 new districts in 2006. This is particularly important given that the implementation includes the districts of Cali and Medellin, critical to U.S. law enforcement efforts. USG assistance has been instrumental to the implementation of the new Code. End Summary.

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Introduction of Criminal Procedure Code in 7 New Judicial Districts  
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2. (U) The new Colombian Criminal Procedure Code which was successfully initiated during 2005 in the districts of Armenia, Bogota, Manizales and Pereira, was introduced into the 7 judicial districts of Bucaramanga, Buga, Cali, Medellin, San Gil, Santa Rosa and Tunja on January 1. The districts of Cali and Medellin are of particular importance as both districts have a very significant impact on many of the major complex narcotics cases which concern U.S. law enforcement. The initial reports during the first week of implementation indicate a repeat of the success of 2005, building on the experience from the implementation in Bogota and the Coffee Region (Armenia, Manizales and Pereira). Many of the procedural problems in the initial year of implementation in Bogota and the Coffee Region have been avoided and the experience from 2005 is being used to better prepare the new districts. Judicial proceedings, oral and open to the public, are being handled quickly and effectively; many of the criminal cases are being resolved with guilty pleas; police, prosecutors, judges and public defenders, generally speaking, appear to understand their roles in the new accusatory system. The press reports from the various districts during the first week have been very positive.

3. (U) Problems continue in the administrative area, such as logistics, computer information systems, case and court administration, and transportation of detainees. These problems are to be expected given the dramatic transition, but will need to be addressed for the initial success to be solidified. Personnel issues, particularly ensuring adequate numbers of police investigators, prosecutors, judges and public defenders, still need to be addressed.

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Implications of the New Code  
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4. (U) The inefficiency of the old system was a primary reason for the introduction of a new accusatory criminal procedure code. The expectation of a transparent, swift and effective justice system has been a driving force behind this dramatic and historical reform of the Colombian criminal justice system ) a system which has been plagued by corruption, mountains of paper, long delays in resolving criminal cases, threats and intimidation of judicial officers by powerful criminal organizations. If implemented properly, the new Code holds great promise for more effective criminal investigations, including the ability to conduct confidential investigations and offer plea bargains which can flip some co-defendants to testify and provide evidence against other members of criminal organizations. The swift and

effective resolution of common crimes which have traditionally clogged the criminal justice system through a transparent process should improve the Colombian public's confidence in the justice system.

15. (U) Addressing common but serious crimes such as homicides, theft, assault and sex offenses, has been a primary focus of the initial success in the implementation of the new Code. The continued effectiveness in addressing these crimes is critical for the development of the Colombian criminal justice system and public confidence. However, a test of the new Code will be its effectiveness in addressing complex crimes involving criminal organizations which have long entangled not only the Colombian criminal justice system but Colombian society. Much of this will rely on the effectiveness and abilities of the judicial officers tasked with implementing the new Code.

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USG Assistance  
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16. (U) The Embassy has been training and providing technical assistance for the implementation of this important criminal justice system reform. Through the Department of Justice and USAID, the Embassy has provided intensive training to over 18,000 prosecutors, judges, police, forensic experts and public defenders. Embassy programs have been critical in preparing these 11 judicial districts for the implementation of the new Code and the accusatory system. Embassy programs have provided equipment and technical support for prosecutor offices, police entities, forensic laboratories, the judiciary and court rooms, and public defenders offices and Casas de Justicia. Embassy teams together with Colombian personnel are closely monitoring the implementation of the new Code in the 7 new judicial districts, providing technical assistance and mentoring where needed.

17. (U) A striking example of the impact of USG assistance on the introduction of an effective criminal justice system in Colombia is what occurred during the week of January 2 in the Department of Boyaca. Many of the towns in this Department only a few years ago were under the control of Colombian guerrilla organizations. As a result of the USG-sponsored police insertion program, these towns came under GOC control and during the first week of January introduced the new accusatory system and their first oral, public judicial proceedings.

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Comment  
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18. (U) The successful and effective implementation of the new Colombian Criminal Procedure Code is critically important in reforming the Colombian criminal justice system. The first year of its implementation and the initial reports of 2006 indicate significant potential for success. The implementation of the new Code has been more successful than many anticipated. Given the numerous obstacles and problems Colombia faces, the implementation is remarkable. While serious issues remain and the implementation must be viewed as an ongoing process, the early successes are very encouraging. The USG must continue to play a catalyzing role to ensure progress is sustained.  
WOOD